

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

November 4, 2002

12:15 p.m.

The Council of the City of Roanoke met in regular session on Monday, November 4, 2002, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members William D. Bestpitch, William H. Carder, Alfred T. Dowe, Jr., Linda F. Wyatt and Vice-Mayor C. Nelson Harris-----5.

ABSENT: Council Member M. Rupert Cutler and Mayor Ralph K. Smith-----2.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; and Mary F. Parker, City Clerk.

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in Closed Session to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia, 1950, as amended. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Dowe, Wyatt and Vice-Mayor Harris-----5.

NAYS: None-----0.

(Mayor Smith and Council Member Cutler were out of the Council Chamber when the vote was recorded.)

CITY ATTORNEY-CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a matter of pending litigation, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in Closed Session to consult with legal counsel on a matter of pending litigation, pursuant to Section 2.2-3711 (A)(7), Code of Virginia, (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Dowe, Wyatt and Vice-Mayor Harris-----5.

NAYS: None-----0.

(Mayor Smith and Council Member Cutler were out of the Council Chamber when the vote was recorded.)

At 12:20 p.m., the Vice-Mayor declared the meeting in recess to be immediately reconvened in the Emergency Operations Center Conference Room, Room 159, for a briefing on technology.

At 12:25 p.m., the Council meeting reconvened in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, for a briefing on technology-related issues, with Mayor Smith presiding, and all Members of the Council in attendance.

COUNCIL-CITY INFORMATION SYSTEMS: The City Manager advised that Council has been supportive of efforts to expand the use of technology by City departments, and several months ago, Council made a specific request that City staff present the City's master plan for technology. She called upon Joe D. Slone, Director of Technology, and Philip C. Schirmer, Chair, Technology Committee, for a presentation on pertinent technology- related issues.

Mr. Slone presented information on accomplishments to date, projects that are currently in progress, and future technology direction.

During a discussion of the matter, the importance of computer literacy by teachers and students in the Roanoke City Public Schools was emphasized; whereupon, the City Manager advised that technology is an area where the City and

the School system should more actively engage in dialogue, and suggested that the item be a topic of discussion by Council and the School Board at a future joint meeting of the two bodies. She stated that there are both administrative and support functions that can be accomplished jointly, and purchasing is another issue that should be explored which could lead to a possible joint venture by the City and the School system.

There was further discussion by Council with regard to the type of information that should be made available to the citizens via the City's web site; i.e.; information regarding the City's Comprehensive Plan in an effort to provide awareness, education, etc., and to provide a method for citizens to provide input electronically. It was pointed out that since technology changes at such a rapid pace, it is difficult to stay on the cutting edge, and emphasis was placed on the importance of ensuring adequate funds to upgrade and replace equipment.

At 1:25 p.m., the Council meeting was declared in recess to be immediately reconvened in Closed Session in the Council's Conference Room, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.

At 1:50 p.m., the Council meeting reconvened in the City Council Chamber, with Mayor Smith presiding and all Members of the Council in attendance.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES- PERSONNEL DEPARTMENT: The Mayor advised that there is a vacancy on the Personnel and Employment Practices Commission, for a term of office ending June 30, 2005, and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Alma L. Lee.

There being no further nominations, Ms. Lee was appointed as a member of the Personnel and Employment Practices Commission, for a term ending June 30, 2005, by the following vote:

FOR MS. LEE: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

OATHS OF OFFICE-COMMITTEES-ROANOKE CIVIC CENTER: The Mayor advised that there is a vacancy on the Roanoke Civic Center Commission, for a term of office ending September 30, 2005, and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Monica S. Prince.

There being no further nominations, Ms. Prince was appointed as a member of the Roanoke Civic Center Commission, for a term ending September 30, 2005, by the following vote:

FOR MS. PRINCE: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

OATHS OF OFFICE-COMMITTEES-YOUTH: The Mayor called attention to vacancies on the Youth Services Citizen Board, created by the resignations of Jonathan Katz, John Lewis, and Duriel M. Wood, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the name of Amy R. Barger to fill the unexpired term of Jonathan Katz, ending May 31, 2004; Marissa Bannister to fill the unexpired term of John Lewis, ending May 31, 2003; and Ashley Johnson, to fill the unexpired term of Duriel M. Wood, ending May 31, 2003.

There being no further nominations, Ms. Barger was appointed for a term ending May 31, 2004, and Ms. Bannister and Ms. Johnson were appointed for terms ending May 31, 2003, as members of the Youth Services Citizen Board, by the following vote:

FOR MS. BARGER, MS. BANNISTER AND MS. JOHNSON: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

OATHS OF OFFICE-COMMITTEES-TRANSPORTATION SAFETY-TRAFFIC: The Mayor called attention to vacancies on the City of Roanoke Transportation Safety Commission, created by expiration of the terms of office of John W. Brown, Jr., Kenneth King, Christopher Perkins and David Prince on October 31, 2002, and called for nominations to fill the vacancies.

Mr. Carder placed in nomination the names of John W. Brown, W. Kenneth King, and Rick Clark.

There being no further nominations, Messrs Brown and King were reappointed and Mr. Clark was appointed as members of the City of Roanoke Transportation Safety Commission, for terms ending October 31, 2006, by the following vote:

FOR MESSRS. BROWN, KING AND CLARK: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

OATHS OF OFFICE-COMMITTEES-HOUSING/AUTHORITY: The Mayor advised that there is a vacancy on the Fair Housing Board created by the resignation of Robert J. Sparrow, for a term of office ending March 31, 2003, and called for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of Tuan Reynolds .

There being no further nominations, Mr. Reynolds was appointed as a member of the Fair Housing Board, for a term ending March 31, 2003, by the following vote:

FOR MR. REYNOLDS: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

At 1:55 p.m., the Mayor declared the meeting in recess to be reconvened at 2:00 p.m. in the Council Chamber, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.

At 2:00 p.m., on Monday, November 4, 2002, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W. , City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Maurita J. Wiggins, Pastor, Valley Community Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

ACTS OF ACKNOWLEDGMENT: The Mayor advised that some time ago, Council Member Carder recommended that the City of Roanoke recognize those citizens who go above and beyond the call of duty to be of service to their fellowman and to their community, which recommendation was concurred in by the Members of City Council. He further advised that on behalf of the Members of Council, he was pleased to recognize five "Shining Stars" in the City of Roanoke; i.e.:

Mr. Thomas Brock who donated a mint condition 1952 antique car to Center in the Square. Raffle tickets were sold and the winning ticket was announced at the recently held Affair in the Square. Mr. Brock's generous donation was in response to severe State budget cuts that negatively impacted the operating budget of Center in the Square.

Ms. Lillie Bryant, who is affectionately known as Ms. "Lillie" by her admirers and supporters, and serves as a role model for others. She gives positive information on her radio broadcast, "Manna From Heaven"; she helps the sick and disabled and volunteers her time at the Roanoke Rescue Mission.

Ms. Barbara N. Duerk, who has been an active supporter of the City of Roanoke for many years; a devoted champion of Roanoke's neighborhoods, having served eight years on the City Planning

Commission, and a staunch supporter of Roanoke's greenways. Her concerns for quality of life issues extend to the State level where she has served in various capacities.

Mrs. A. C. Johnson, who, prior to retiring, served as Manager of Lincoln Terrace. She has displayed a caring attitude and friendliness toward all residents of the Lincoln Terrace housing complex. She offers a helping hand to those in need and exemplifies the best in giving and moving the City forward as a community.

Mr. Edward Walker, who was highly instrumental in extraordinary and successful efforts to save and renovate Roanoke's Grandin Theatre. His contributions to the entire Roanoke community will be long remembered in saving the Grandin Theatre as a landmark and the hub for artistic films.

The Mayor presented each recipient with a "Shining Star" award.

PROCLAMATIONS-RECYCLING: The Mayor presented a proclamation declaring Friday, November 15, 2002, as America Recycles Day.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meeting of City Council held on Monday, September 16, 2002, and recessed until Wednesday, September 18, 2002, were before the body.

Mr. Carder moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

AUDIT COMMITTEE: Minutes of a meeting of the City of Roanoke Audit Committee which was held on Tuesday, October 15, 2002, were before the body.

The following matters were considered by the Audit Committee.

INTERNAL AUDIT REPORTS:

Data Mining
Sheriff Canteen and Jail Inmate Fund
Police Department Cash Funds
Civic Center
Audit Findings Follow- Up

UNFINISHED BUSINESS:

Retirement Audit Report-Update from Director of Finance

Mr. Carder moved that the Minutes be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

TAXES: A communication from the Honorable Clifford R. Weckstein, Judge, Twenty-Third Judicial Circuit of Virginia, transmitting the 2002 Report of the Board of Equalization, was before Council.

Judge Weckstein transmitted the original Report of the Board of Equalization for the taxable year July 1, 2002 to June 30, 2003, in which it was noted that the Board of Equalization considered 62 appeals (38 residential and 24 commercial and industrial), 18 fewer than were heard last year.

It was advised that the Board of Equalization unanimously requested and recommended that the Board's access to computer service continue, and that future Equalization Boards continue to have separate office space from that occupied by the Office of Real Estate Valuation.

It was further advised that Members of the Board of Equalization are appointed annually; the term for which they serve is limited by the order of appointment and by the statute and ordinance under which they are appointed (the law permits their

terms to be extended); and the Director of Real Estate Valuation has discussed with the Board of Equalization and with Judge Weckstein the idea that the Board might be more immediately responsive to the needs of citizens if Board of Equalization members were appointed for longer terms, which would enable the Board to convene at any time. Judge Weckstein noted that it is the unanimous opinion of the Judges of the Circuit Court that the proposal is not a judicial question, therefore, he passed the question on to Council without judicial comment.

Mr. Carder moved that the communication and report be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote.

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-ROANOKE ARTS COMMISSION-ARCHITECTURAL REVIEW BOARD-INDUSTRIES: The following reports of qualification were before Council:

Stark H. Jones as a Director of the Industrial Development Authority of the City of Roanoke, for a term ending October 20, 2006.

Betty Branch as a member of the Roanoke Arts Commission, for a term ending June 30, 2005; and

Robert B. Manetta as a member of the Architectural Review Board, for a term ending October 1, 2006.

Mr. Carder moved that the reports of qualification be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE

PETITIONS AND COMMUNICATIONS: NONE

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE

ITEMS RECOMMENDED FOR ACTION:

PURCHASE/SALE OF PROPERTY-SEWERS AND STORM DRAINS: The City Manager submitted a communication advising that the homeowner at 2412 Florida Avenue, N. W., has experienced drainage problems with an undersized storm drain system for the past 40 years; in the past year, an adjoining church has extended the public storm drain close enough to Florida Avenue that City forces can now extend a new storm drain for the remaining distance to the problem area on Florida Avenue; and construction of the storm drainage project will require acquisition of drainage easements.

It was further advised that authorization is needed to move forward with procurement of title work and document preparation related to acquisition of the necessary property rights; it is anticipated that the necessary property rights will be donated; and funding of \$3,000.00 for expenses related to property acquisition is available in Capital Project Account No. 008-530-9734-9050, Miscellaneous Storm Drains Part 2.

The City Manager recommended that she be authorized to acquire all necessary property rights, said property rights may be acquired following a satisfactory environmental site inspection by negotiation or eminent domain, and may include fee simple, permanent easements, temporary construction easements, rights-of-way, licenses or permits, etc.

Mr. Carder offered the following ordinance:

(#36112-110402) AN ORDINANCE providing for the acceptance of certain property rights needed by the City for the Florida Avenue Drainage Project, setting a limit on the consideration to be offered by the City; providing for the City's acquisition of such property rights; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 66, page 486.)

Mr. Carder moved the adoption of Ordinance No. 36112 -110402. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

Council Member Bestpitch inquired if there are other locations in this area of the City of Roanoke that are experiencing storm drainage problems.

CONSULTANTS REPORTS-WATER RESOURCES: The City Manager submitted a communication advising that in response to the attacks of September 11, 2001, the United States Environmental Protection Agency (EPA) received a supplemental appropriation from Congress to improve the safety and security of the nation's water supplies; grant money from EPA was made available for large systems that serve populations over 100,000, such as is the case with the City of Roanoke's water system; and in December, 2001, the U. S. House of Representatives passed legislation that will require all water utilities serving over 3,300 people to complete vulnerability assessments of their potable water systems.

It was further advised that in April 2002, the Water Division applied for a \$115,000.00 grant from EPA to be used by the City Water Division in accordance with EPA requirements/guidelines to develop a vulnerability assessment (VA), emergency response/operating plan (EOP), security enhancement and design, or a combination of these efforts; Randall Funding and Development, the grant writing firm under contract with the City, assisted in the preparation of grant application materials, which assistance is offered to the City of Roanoke for 100 percent of all approved costs incurred up to, but not exceeding \$115,000.00, and the City is under no obligation to provide matching funds; and on June 17, 2002, the City received notification from the Environmental Protection Agency that the \$115,000.00 grant application was approved and Council accepted the grant and appropriated funds on August 5, 2002.

It was noted that on August 26, 2002, after proper advertisement, proposals for the above work were received from 11 engineering firms; three firms were short listed and interviewed; the firm of Tectonic Engineering Consultants P.C., was selected; and City staff has negotiated an acceptable agreement for the above referenced work in the form of a lump sum fee of \$89,500.00.

The City Manager recommended that Council accept the proposal of Tectonic Engineering Consultants P.C., in the amount of \$89,500.00, and that the City Manager be authorized to enter into a contract to be approved as to form by the City Attorney.

Mr. Carder offered the following resolution:

(#36113-110402) A RESOLUTION authoring a contract with Tectonic Engineering Consultants P. C. for the development of a vulnerability assessment, emergency response/operating plan, security enhancements and design or a combination of all of these items for the City of Roanoke's water system.

(For full text of Resolution, see Resolution Book No. 66, page 487.)

Mr. Carder moved the adoption of Resolution No. 36113 -110402. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-HOUSING/AUTHORITY-COMMUNITY PLANNING-GRANTS: The City Manager submitted a communication advising that as part of its ongoing efforts to improve public housing at the Lincoln Terrace Development, the City of Roanoke Redevelopment and Housing Authority (RRHA) applied for and was awarded a \$15.1 million HOPE VI Revitalization Grant from the U. S. Department of Housing and Urban Development ("HUD"); in support of the Housing Authority HOPE VI application, the City committed to provide up to \$3 million in financial assistance from Federal and local funding sources for (1) infrastructure costs (\$2.1 million) of the Lincoln 2000/HOPE VI Project and (2) housing rehabilitation and construction funding (\$900,000.00) in the Washington Park neighborhood (\$900,000.00 for housing assistance is being handled through separate agreements with the Housing Authority); infrastructure funding to be provided by the City will support improvements in public rights-of-way and publicly dedicated easements, including,

but not limited to, construction and reconstruction of streets, curbs, gutters and sidewalks and water and sewer utilities; improvements are described in detail in the Comprehensive Development Plans approved by the City and incorporated by reference into the Agreement; pursuant to Budget Ordinance No. 35262-040201 and Resolution No. 35263-040201, Council approved execution of the original Agreement dated July 1, 2000, providing \$600,000.00 from Federal and local funding sources; and Amendment No. 1 extended the Agreement period from September 30, 2001, to December 30, 2001, Amendment No. 2 extended the Agreement period to June 30, 2003, and increased funding by \$750,000.00 for additional infrastructure improvements in the project area, for a total of \$1.35 million allocated to the project under the Agreement.

It was further advised that the City will provide the Roanoke Redevelopment and Housing Authority with a total of \$2.1 million for infrastructure improvements in three yearly installments, \$600,000.00, \$750,000.00, and \$750,000.00; of the third installment of \$750,000.00, Council authorized the appropriation of \$100,000.00 of General Funds and \$295,000.00 of CDBG funds in fiscal year 2002; a third amendment to the Agreement with the Housing Authority is necessary in order to provide additional funding for the Housing Authority to continue the infrastructure improvements associated with the Lincoln 2000 project, which allocation will fulfill the City's financial commitment to the Housing Authority in support of infrastructure improvements associated with the Lincoln 2000 project; and the remaining \$355,000.00 is to be appropriated as follows:

| <u>Source</u> | <u>Account Name</u> | <u>Amount</u> |
|---------------|---------------------|---------------|
| Sewer Fund | Retained earnings | \$ 266,000.00 |
| Water Fund | Retained earnings | \$ 89,000.00 |

The City Manager recommended that she be authorized to execute Amendment No. 3 to the 2000-01 CDBG Agreement with the Roanoke Redevelopment and Housing Authority; appropriate funding in the amount of \$266,000.00 from the Sewer Fund retained earnings and \$89,000.00 from the Water Fund retained earnings to accounts in each respective fund entitled, "Lincoln 2000/HOPE VI Infrastructure".

Mr. Carder offered the following budget ordinance:

(#36114-110402) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Water and Water Pollution Control Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 487.)

Mr. Carder moved the adoption of Ordinance No. 36114-110402. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Carder offered the following resolution:

(#36115-110402) A RESOLUTION authorizing the appropriate City officials to execute Amendment No. 3 to the 2000-2001 Community Development Block Grant Funding Administration Agreement with the Roanoke Redevelopment and Housing Authority, providing the necessary funding to continue the infrastructure improvements associated with the Lincoln 2000/HOPE VI Community Revitalization Program Project.

(For full text of Resolution, see Resolution Book No. 66, page 489.)

Mr. Carder moved the adoption of Resolution No. 36115-110402. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

POLICE DEPARTMENT-TRAFFIC-BUDGET-GRANTS: The City Manager submitted a communication advising that the Virginia Department of Motor Vehicles (DMV) is the administering agency for pass through funds provided by the United States Department of Transportation for highway safety projects in Virginia; and the DMV offers the funds to successful applicants for activities which improve highway safety in Virginia.

It was further advised that in October 2002, the DMV awarded the Roanoke Police Department with \$15,000.00 to be used for overtime and related FICA expenditures associated with conducting selective enforcement activities which target Driving Under the Influence (DUI), speeding, and motor vehicle occupant safety; and this is the seventh year that the City of Roanoke has received funds under the program.

It was explained that there is a statistically proven proportional correlation between levels of motor vehicle law enforcement and traffic accidents in the City of Roanoke; historically, speed and alcohol are factors in 17 per cent of Roanoke's motor vehicle accidents; and the program allows police officers to concentrate on alcohol impaired drivers and speeders at those times when such violations are most likely to occur.

The City Manager recommended that Council establish a revenue estimate and appropriate \$15,000.00 to Grant Fund accounts to be established by the Director of Finance; and that the City Manager be authorized to execute any required documents.

Mr. Carder offered the following budget ordinance:

(#36116-110402) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 490.)

Mr. Carder moved the adoption of Ordinance No. 36116-110402. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Harris offered the following resolution:

(#36117-110402) A RESOLUTION accepting the Driving Under the Influence Enforcement Grant offer made to the City by the Commonwealth of Virginia's Department of Motor Vehicles and authorizing execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 66, page 491.)

Mr. Harris moved the adoption of Resolution No. 36117-110402. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

CITY CODE-PARKS AND RECREATION-WEED ABATEMENT PROGRAM: The City Manager submitted a communication advising that as authorized by State law, Council enacted a Weed Abatement Ordinance under Section 33-19 of the Code of the City of Roanoke (1979), as amended; the Weed Abatement Ordinance allows the City to inspect for weeds violations on private property; and a property is in violation of the ordinance if weeds or grass are 14 inches or higher, and violators are given ten days to comply with provisions of the ordinance.

It was further advised that the current Weed Abatement Ordinance requires that weeds or grass be at least 14 inches tall in order to be in violation; after initial inspection, the property owner is notified via certified mail to abate the violation within ten days following the mailing of the notice; if the property owner fails to comply within the ten-day period, the case is then turned over to a contractor who mows the property within five days; however, code enforcement records of the Department of Housing and Neighborhood Services indicate that generally by the time the overgrown property is inspected and mowed by the contractor, the weeds or grass has grown to nearly 20 inches high.

The City Manager recommended that Council adopt an ordinance amending Section 33-19 of the Code of the City of Roanoke, 1979, as amended, to reduce the height limit for weeds from 14 to ten inches, and the compliance timeframe from ten to seven days following mailing of the notice; and to issue one notice for similar violations during the period of April 1 until November 1 of the year in which the notice was sent (enabling legislation authorizing the latter provision was authorized by the General Assembly in 2001 at the request of the City); and the proposed amendment is a part of the City's efforts to enhance its code enforcement response time and to improve overall quality of life in residential neighborhoods.

Mr. Harris offered the following ordinance:

(#36118-110402) AN ORDINANCE amending and reordaining subsection (g) of §33-17, Definitions; subsections (a), (b) and (d) of §33-20, Notice of removal of weeds; preabatement hearing; and subsection (a) of §33-21, Abatement of public nuisance, of Chapter 33, Vegetation, of the Code of the City of Roanoke (1979), as

amended, to amend the definition of weed or weeds, and to amend the numbers of days allowed for abatement of a public nuisance; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 492.)

Mr. Harris moved the adoption of Ordinance No. 36118-110402. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

CITY MARKET-CONSULTANTS REPORTS: The City Manager submitted a communication advising that the City currently leases the City Market Building at 32 Market Square to Downtown Associates, LP; Downtown Associates has notified the City that it will not exercise options to renew the current agreement; therefore, Downtown Associates will vacate the facility on December 31, 2002; with approval by Council, the City advertised a Request For Proposal for "Operational Management for the historic City Market Building" on August 9, 2002; three proposals were received in response to the request and City staff reviewed each proposal and heard oral presentations from each firm.

It was further advised that as the RFPs were being reviewed, new information about the Market Building and its current conditions and operations was discovered and as staff continued to research the matter, better information regarding the management approach for similar facilities was identified.

It was explained that the Market Building is a focal point in the downtown area; therefore, it is extremely important that the management company hired be the best company to provide the services needed for management of the facility; all proposals which were received attempted to address all points contained in the RFP, however, as new information has become available, it is extremely important to receive proposals that respond to the new information and provide the City with the opportunity to make the most informed decision based on the firm that can best meet the complete needs of the facility.

The City Manager recommended that Council reject all proposals and authorize the City Manager to revise the RFP and re-advertise for proposals for a management company to operate the Market Building based on information received to date.

Mr. Carder offered the following resolution:

(#36119-110402) A RESOLUTION rejecting all bids in response to the Request for Proposal for the operational management of the historic City Market Building.

(For full text of Resolution, see Resolution Book No. 66, page 495.)

Mr. Carder moved the adoption of Resolution No. 36119-110402. The motion was seconded by Mr. Dowe.

There was discussion in regard to the status of the heating and cooling system in the City Market Building; the HVAC system in Center In The Square, which is in need of attention; the HVAC system in the proposed new art museum to be constructed behind Billy's Ritz; the feasibility of combining the utility systems serving all three buildings; and the question of whether or not the City is reviewing cutting edge technologies as a cost saving measure. The City Manager advised that the possibility of combining the HVAC systems for the three buildings has been brought to the City's attention and the matter is currently under discussion by engineers engaged in the project. She called attention to a temporary air conditioning solution that was installed by the current managers of the City Market Building, which is currently supplying adequate cooling on a temporary basis; the City has identified the need for a total rework of and improvements to the system, which will be an expensive replacement item that has not been submitted as a CMERP item, and a recommendation will be submitted to Council in the near future.

Council Member Carder called attention to a recent meeting in which the feasibility of an HVAC power plant for the three operations was discussed as a possible referral to American Electric Power for response.

Resolution No. 36119-110402 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

POLICE DEPARTMENT-CITY INFORMATION SYSTEMS: The City Manager submitted a communication advising that in order to effectively take advantage of the Panasonic CF28 Mobile Computer Terminals (MCTs) which are in use in all 55 Police patrol vehicles and to streamline Police Department operations, the City of Roanoke solicited proposals from qualified vendors to provide software and services for the following:

- **Virginia State Certified Incident Based Reporting software to be run on Panasonic CF-28 computers in the City's Police Patrol vehicles.**
- **Develop or assist in the development of both front and backend interfaces to the IBR client application.**
- **Assist in implementation of the system and create utilities that further the functionality of the system.**

It was further advised that although Incident Based Reporting (IBR) as a whole requires far more data entry and takes much longer to complete than the previous police-reporting standard, Uniform Crime Reporting (UCR) in 1999, it was mandated that all Police Departments within the Commonwealth of Virginia must transition to Incident Based Reporting; the IBR standard is in compliance with national standards for crime reporting and categorization; the City of Roanoke Police Department estimates that there are 80 IBR (Incident Based Reports) arrests per day and that a single IBR report can take up to 45 minutes to complete; it is the goal of the City's Police Department to employ MCTs to increase Police Department and Patrol Officer efficiency; by enabling Patrol Officers to enter and validate reports directly on the MCT, redundant data entry is eliminated and information is entered into Police Records Systems in a more timely manner; the improved process offers greater benefits, including vastly improved crime analysis capacity and the availability of information to citizens, the City of Roanoke Police Department, and the media; evaluation of current practices, processes and objectives were set forth by members of the Police Department and the Department of Technology; and software vendors who were Virginia IBR Certified were invited to submit proposals in response to the RFP, which was released on March 1, 2002, and bids were opened on April 1, 2002.

It was further advised that three proposals were received and evaluated in a consistent manner; however, not all proposals met City specifications as described in the RFP; a team consisting of members of the City's Police Department and the Department of Technology evaluated proposals; evaluation of proposals, demonstrations of products, and site visits were performed; Southern Software, Inc., was determined to best meet the requirements of the City's Police Department and submitted the lowest priced proposal in the amount of \$83,595.00; funding for the project is available in Account No. 035-640-3410-9067, Records System Improvement Grant; police records improvement is relevant to and in compliance with the Police Records System Improvement Grant that the City of Roanoke was awarded by the Virginia Department of Criminal Justice Services; acceptance of the

grant was approved by Council on January 22, 2002; and as part of the grant appropriation, \$41,350.00 was transferred from the Department of Technology Contingency Account and \$124,050.00 of State funding was appropriated into Account No. 035-640-3410-9067.

The City Manager recommended that she be authorized to enter into a contract with Southern Software Inc., such contract to be approved as to form by the City Attorney, for Mobile IBR, in the amount of \$83,595.00.

Mr. Dowe offered the following resolution:

(#36120-110402) A RESOLUTION accepting the proposal of Southern Software, Inc., to provide incident based reporting software and services for the City of Roanoke's Police Department, upon certain terms and conditions; authorizing the proper City officials to execute the requisite contract for same; and rejecting all other proposals made to the City.

(For full text of Resolution, see Resolution Book No. 66, page 495.)

Mr. Dowe moved the adoption of Resolution No. 36120-110402. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

POLICE DEPARTMENT-FIRE DEPARTMENT - CITY INFORMATION SYSTEMS:
The City Manager submitted a communication advising that in September, 1999, the City implemented Printrak's Computer Aided Dispatch (CAD) system due to technological advancements over what was the current CAD and also as a direct impact of the noted 'Y2K bug'; the City is utilizing Printrak's Premier CAD version 6.1.1, which is several releases behind the current version 6.5; the City of Roanoke should migrate to the current version in order to be compliant with State mandates regarding the handling of E-911 calls originating from wireless phones; and other benefits include efficiency of operations such as server consolidation and improved Police and Fire Dispatch functionality.

It was further advised that the CAD system represents the functional origination of E-911 calls for service and is a vital component in providing public safety services to citizens and visitors to the City of Roanoke; it is critical that the

City remain on a current version of the software in order to continue to receive support as offered by the software vendor, Printrak International; the Director of General Services has determined that Printrak International has developed and licensed the software, thus, Printrak International is the only source practicably available for the upgrade, at a cost of \$129,966.00; and funding is available in Account No. 013-430-1601-2147, having previously been allocated to the City of Roanoke by the State Wireless Board and designated specifically for implementation of the Phase II wireless upgrade.

The City Manager recommended that Council determine that Printrak International is the only source practically available to provide the software and that the City Manager be authorized to enter into a contract with Printrak International for upgrade of the City's Computer Aided Dispatch application, in the amount of \$129,966.00, said contract to be approved as to form by the City Attorney.

Mr. Carder offered the following resolution:

(#36121-110402) A RESOLUTION authorizing a contract with Printrak International for the upgrade of the City's Computer Aided Dispatch (CAD) Application System and concurring with the determination of the Director of General Services that such firm is the only source practicably available to perform such work.

(For full text of Resolution, see Resolution Book No. 66, page 496.)

Mr. Carder moved the adoption of Resolution No. 36121-110402. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY- CITY MANAGER-CITY COUNCIL: The City Manager submitted an oral request that Council convene in a closed session to discuss a matter with regard to acquisition of property where discussion in open session would adversely affect the bargaining position of the City of Roanoke, pursuant to Section 2.2-3711 (A)(3), Code of Virginia, (1950) as amended.

Mr. Bestpitch moved that Council concur in the request of the City Manager to convene in Closed Session to discuss a matter with regard to acquisition of property where discussion in open session would adversely affect the bargaining position of the City of Roanoke, pursuant to Section 2.2-3711 (A)(3), Code of Virginia, (1950) as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

DIRECTOR OF FINANCE:

AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the financial report for the City of Roanoke for the month of September, 2002.

Without objection by Council, the Mayor advised that the financial report would be received and filed.

REPORTS OF COMMITTEES:

BONDS/BOND ISSUES-INDUSTRIES: A communication from Samuel F. Vance, IV, Attorney, representing the Industrial Development Authority of the City of Roanoke, requesting adoption of a measure approving issuance of up to \$26,500,000.00 in Revenue Bonds of the Industrial Development Authority of the City of Roanoke to finance or refinance all or a portion of the Authority's \$22,875,000.00 Residential Care Facility Mortgage Revenue Refunding Bonds (Virginia Lutheran Homes), Series 1997; amounts required to fund a debt service reserve fund and pay costs of issuance and other expenses in connection with the issuance of the bonds; and the financing or the refinancing of approximately \$3,500,000.00 for the recent acquisition and current renovation of a nursing home facility located at 3837 Brandon Avenue, S. W., was before Council.

Mr. Carder offered the following resolution:

(#36122-110402) A RESOLUTION approving the issuance of up to \$26,500,000.00 in Revenue Bonds of the Industrial Development Authority of the City of Roanoke, Virginia (the "Authority") to finance or refinance (1) all or a portion of the Authority's \$22,875,000.00 Residential Care Facility Mortgage Revenue

Refunding Bonds (Virginia Lutheran Homes), Series 1997, (2) amounts required to fund a debt service reserve fund and pay costs of issuance and other expenses in connection with the issuance of the Bonds, (3) the financing or the refinancing of approximately \$3,500,000.00 for the recent acquisition and current renovation of a nursing home facility located at 3837 Brandon Avenue, Roanoke, Virginia 24018.

(For full text of Resolution, see Resolution Book No. 66, page 497.)

Mr. Carder moved the adoption of Resolution No. 36122-110402. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

UNFINISHED BUSINESS:

CITY CODE-ZONING: Council at its meeting on Monday, October 15, 2002, having tabled action on an ordinance providing standards for a new dwelling, new accessory building or expansion of an existing dwelling in the ND District; establishing the depth of front yards; and to provide parking in the ND District, Mr. Carder moved that the ordinance be removed from the table. The motion was seconded by Mr. Cutler and unanimously adopted.

Mr. Bestpitch offered the following ordinance:

(#36123-110402) AN ORDINANCE amending and reordaining §36.1-393, Standards for new construction, of Subdivision G, ND, Neighborhood Design District, of Division 5, Special District Regulations, of Article III, District Regulations; amending §36.1-403, Front yard requirements for infill developments, of Division 1, Generally, of Article IV, Supplementary Regulations; and amending and reordaining subsection (c) of §36.1-428, General standards of Division 2, Off -Street Parking and Loading Requirements, of Article IV, Supplementary Regulations, of the Code of the City of Roanoke (1979), as amended, to provide standards for a new dwelling, new accessory building or expansion of an existing dwelling in the ND district; establishing the depth of front yards; and to provide parking in the ND district; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 499.)

Mr. Bestpitch moved the adoption of Ordinance No. 36123-110402. The motion was seconded by Mr. Carder.

Mr. Joseph Miller, 2812 Longview Avenue, S. W., spoke in opposition to the proposed Neighborhood Design District guidelines, citing the issue of affordability. He stated that architectural aspects of the guidelines make it difficult in the 11 identified neighborhoods to construct new residential housing or additions to existing residential housing and still meet requirements of the guidelines. He expressed concern that there may not be any more new construction in the affected neighborhoods, and advised that new housing should be affordable to all citizens, no matter which neighborhood they choose to live in. He stated that if new housing is constructed, it will be built in what is referred to as a "Hollywood set", where the facades are constructed per the City's guidelines and the remainder of the structure will suffer due to the expense of building the facade. He called attention to existing housing in the neighborhoods that would not meet the ND guidelines as presently proposed.

Carl D. Cooper, 2001 Angus Road, N. W., Chair, Roanoke Neighborhood Partnership Steering Committee, advised that the Steering Committee supports the Neighborhood Design (ND) District ordinance and adoption of a Neighborhood Design District overlay for properties located within the Melrose/Rugby neighborhood. He also spoke in support of the guidelines inasmuch as Vision 2001-2020 supports implementation of the ND District, and called attention to the Design chapter of the Vision 2001-2020 document which establishes design principles for traditional neighborhoods and downtown neighborhoods. He stated that the Neighborhood Design District is an overlay that complements current zoning; the goal of the ND District is to retain the character of the neighborhood and to reflect the standards of existing homes and new and rebuilt homes, and not to make construction projects more difficult or costly, but in the long run, property values will be increased and those neighborhoods that adhere to the guidelines will be more aesthetically pleasing. He explained that the ND District is not a City-wide ordinance, but the ordinance can be applied to those neighborhoods that establish their own neighborhood design guidelines, which will ensure that new and rehab construction is compatible with existing housing in the neighborhood. He added that rehabilitation and infill projects will be considered on a case by case basis, and spoke in support of adoption of the ND District overlay for properties located within the Melrose/Rugby neighborhood because the Melrose/Rugby Neighborhood Plan was adopted by Council as a part of the Comprehensive Plan on June 18, 2001, and the Neighborhood Plan recommends that the City create a Neighborhood Design overlay zoning throughout the neighborhood. He added that the design of infill

housing is identified in the Neighborhood Plan as the top concern of residents and implementation of the ND District was a high priority of residents. He stated that Melrose/Rugby residents believe that compatible infill design is essential to maintaining property values, to attracting new residents and to encouraging long term neighborhood revitalization. He advised that both ordinances substantially embrace the Vision 2001-2020 Comprehensive Plan and allow citizens to participate in government and self-determine the future look and feel of their neighborhoods.

Mr. John Langan, 4515 Belford Street, S. W., advised that as a citizen of the City of Roanoke, he is concerned about the viability of Roanoke's neighborhoods and their impact on the City as a whole. Likewise, he stated that as a businessman in the City of Roanoke, he is concerned about the economic opportunities available for new home construction within the City. He presented a floor plan, typical of housing within the Melrose/Rugby neighborhood, which demonstrates that as a private builder, he would be unable to construct homes under the proposed guidelines and make a profit. He proposed that the blanket design standards be tabled and reviewed by neighborhoods on a specific case by case basis, which will provide more flexibility to design versus cost, while enabling economically priced new housing in the neighborhood.

Ms. Estelle H. McCadden, 2128 Mercer Avenue, N. W., advised that she is not a neighborhood activist, but a neighborhood advocate. She stated that new housing must be constructed pursuant to City Code standards, and requested that the word "guidelines" for the ND overlay be changed to "standards". She explained that not all established neighborhoods are in the business of constructing houses as is the Loudon/Northwest Neighborhood Environmental Organization, and housing standards and designs in those neighborhoods are completely different from the homes in the Melrose/Rugby neighborhood. She spoke in support of and requested that Council approve the two Neighborhood Design District ordinances.

Council Member Bestpitch advised that it appears that the developers and home builders who are concerned about the issue are not constructing homes in the affected neighborhoods at the present time. He stated that there are developers who are interested in developing property within the ND district guidelines who believe that the properties they develop will be protected and will not be threatened by incompatible housing. He added that he would prefer that local home builders and developers adopt that approach and take advantage of existing housing opportunities. He spoke in support of adoption of the ND district guidelines by Council.

Vice-Mayor Harris advised that he supports the Neighborhood Design District ordinance, which is consistent with the City's Comprehensive Plan and the Melrose/Rugby Neighborhood Plan, and which guided the City Planning Commission's discussion of the matter and should also guide Council's discussion of the matter as well. Secondly, he stated that it is compelling to note the incompatibility of recent infill housing in the particular neighborhoods under discussion which leads to the impression that to continue to do nothing will continue what is a very inconsistent architectural pattern in some of the neighborhoods; and the incompatibility of more recent housing in some of the older neighborhoods is compelling. Thirdly, he stated that Council has discussed, in a variety of settings and on a number of occasions and issues, how the Council can truly manage the future of Roanoke's neighborhoods and the NDD is both the City Administration's effort, as well as the Council's effort, to try and begin to better manage what Roanoke's neighborhoods will look like and be like, while not leaving that future up to chance. Fourthly, he added that he is struck by the inconsistency in the argument against the NDD, when in the wealthy subdivisions in Roanoke County, there are covenants for the sole purpose of maintaining the architectural integrity and the housing quality of those neighborhoods. He added that covenants and guidelines are not technically and legally the same, but he would suggest that the NDD has the same spirit in which the City is trying to manage, create and sustain its neighborhoods in much the same way as the wealthier neighborhoods in Roanoke County through covenants. Finally, he explained that the NDD proposal is not to be administered City-wide; the City is attempting to do something new and taking a risk, and if approved by Council, a pilot of the NDD will be created in the Melrose/Rugby neighborhood. He noted that if necessary, the guidelines can be amended and/or altered based on input by the neighborhood and builders if the guidelines do not have the desired effect. For the above referenced reasons, he advised that he will lend his support to both ordinances.

Council Member Carder concurred in the remarks of Vice-Mayor Harris. He advised that the Comprehensive Plan was a process that included home builders and from the process it was concluded that the Neighborhood Design District was needed. He called attention to ND Districts throughout the country that have been greeted with skepticism among various organizations, neighborhoods, and persons living in those neighborhoods; however, NDD standards have been successful in preserving the historic nature of the neighborhoods and in increasing property values. He stated that the wisdom that went into the City's Comprehensive Plan said that ND Districts in themselves have value, and called attention to persons who moved into Old Southwest Roanoke because of the design standards, and the value in the idea that a house cannot be constructed that is totally out of character with

the remainder of the neighborhood. He stated that in comparison with other areas of the country, Roanoke's design standards are very benign. He noted that the Melrose/Rugby neighborhood will serve as a pilot project, there will be room for negotiation, and it is hoped that realtors and home builders will work with the City throughout the process. He advised that in July 2001, Council established certain objectives and goals at its planning retreat, one of which was to create strong neighborhoods, and objective number five was to protect the integrity of neighborhood design and development standards for infill housing. He stated that he will support the ordinance, and requested that City Planning staff and the City Manager keep Council informed as the process proceeds.

Council Member Wyatt advised that she does not disagree with the concept of the Neighborhood Design District guidelines, but the guidelines should be done correctly and therein lies her quandary, because what is proposed does not address the problem. She stated that the proposed guidelines are to the point of being so restrictive that they will create a situation where there will be no infill housing, there will be no remodeling of existing homes, existing homes will continue to deteriorate and the standards will create a situation where more expensive houses cannot be constructed in the neighborhood. She advised that she is in favor of the standards, but there should be some assurance that the standards meet the goals of the neighborhood and the Council, which is to protect the neighborhood and to improve the quality of housing stock in the neighborhood. She stated that the bottom line is to do no harm and the proposed standards do not give any assurance that the cost of the housing stock will remain the same. For the above reasons, she advised that she could not support the two measures before Council.

Council Member Cutler advised that he will vote in support of the ordinance, thereby enforcing the position of the Melrose/Rugby neighborhood.

Council Member Dowe advised that there is much pride in the Melrose/Rugby neighborhood and he is encouraged by the focus and direction of the neighborhood. He stated that if necessary, the guidelines can be revisited, but the first step is the most critical step, which Council is attempting to take with passage of the two ordinances.

The Mayor expressed concern with regard to incompatible infill housing in the Melrose/Rugby neighborhood which can be solved with compromise. He stated that at the last Council meeting, Council heard from a number of reputable home builders who stated that they cannot work within the proposed guidelines in their present form; and Council also heard from a number of citizens who live in the

Melrose/Rugby area who are not in favor of the proposed guidelines. He advised that the question is how to set the terrain in the City of Roanoke so that reputable builders will want to locate and build in the neighborhoods; and the proposed guidelines will address the alleged "match box" type house, but the bigger concern is whether the guidelines guarantee that weeds will not continue to grow on vacant lots, thereby creating an eye sore. Therefore, he stated that he would support a compromise somewhere between what is proposed and what is currently in effect. He requested that City Planning staff and the City administration prepare a compromise proposal so that reputable builders will construct houses in these vital neighborhoods. He stated that while he supports the concept, he will vote against the two measures.

Ordinance No. 36123-110402 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, and Harris-----5.

NAYS: Council Member Wyatt and Mayor Smith-----2.

ZONING: Council at its meeting on Monday, October 15, 2002, having tabled action on a ordinance zoning properties located within the Melrose-Rugby neighborhood, generally bounded by Interstate 581, Lick Run and Andrews Road on the north, Melrose and Orange Avenues on the south, Tenth Street on the east, and Lafayette Boulevard on the west , as ND, Neighborhood Design District overlay, Mr. Carder moved that the ordinance be removed from the table. The motion was seconded by Mr. Cutler and unanimously adopted.

Mr. Harris offered the following ordinance:

(#36124-110402) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet Nos. 212, 213, 222, 223, 224, 232, 234, 235, 236, 242, 243 and 245, Sectional 1976 Zone Map, City of Roanoke, to designate certain property within the City as ND, Neighborhood Design District, and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 66, page 506.)

Mr. Harris moved the adoption of Ordinance No. 36124-110402. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

BUDGET-CITY TREASURER-HUMAN DEVELOPMENT-COMMISSIONER OF THE REVENUE-COMMONWEALTH'S ATTORNEY-LIBRARIES-FIRST CITIES COALITION: Council Member Bestpitch advised that on October 15, 2002, the Governor publicly announced the first half of expenditure reductions that will be implemented to address the structural imbalance in the Commonwealth of Virginia's budget; and the first half of the cuts amount to almost \$858 million and the City of Roanoke's share of the first round of cuts is over \$387,000.00; in addition, non-government agencies around the Roanoke Valley are receiving substantial reductions in State aid, as has been reported in the media since October 15 – agencies like Blue Ridge Behavioral Healthcare, Blue Ridge Public Television, Virginia CARES, and numerous cultural agencies like Center in the Square, the Harrison Museum of Africa-American Culture, and the Virginia Museum of Transportation.

He further advised that when the Governor releases his recommended budget to the General Assembly in December, it is expected to see even more reductions in State aid "passed on" to the City of Roanoke and to other localities around the State; the Virginia First Cities Coalition, of which Roanoke is an active member, has unanimously adopted the position that such reductions in State aid will be "passed on" to the affected agencies, because localities cannot afford to merely absorb the cuts and continue in a "business as usual" mode of operation; and today, the Members of Council, acting as the Budget and Planning Committee of Roanoke City Council, adopted the same position for the City of Roanoke.

Mr. Bestpitch explained that beginning today, affected government agencies will be notified of the fact that they will have to reduce their budgets to offset State revenue reductions; City departments and agencies to be affected include the Commissioner of the Revenue, Commonwealth's Attorney, Treasurer, Libraries and

Social Services, and citizens may likely see, as a result, changes in the level of services that are now provided; and while this is a regrettable situation, there is no doubt in the minds of Council Members that this is the fiscally responsible approach to take – increasing local taxes and fees to offset the loss of State revenue is not an option that the Council plans to pursue.

Mr. Bestpitch stated that these are difficult times for the nation, the Commonwealth of Virginia and the City of Roanoke; and in difficult times, difficult decisions have to be made; and while the City remains hopeful that the fiscal situation will improve soon, it must continue to “plan for the worse, and hope for the best.”

Mr. Bestpitch moved that Council adopt the position of the Virginia First Cities Coalition that reductions in State aid will be passed on to the affected agencies; affected government agencies will be notified that they will have to reduce their budgets to offset revenue reductions; and City departments and agencies to be affected include the Commissioner of the Revenue, Commonwealth’s Attorney, Treasurer, Library and Social Services. The motion was seconded by Mr. Carder.

The City Manager advised that the Governor has recommended reductions in the budget of the Commissioner of the Revenue, the City Treasurer, the Commonwealth’s Attorney, state aid to libraries, reductions in expenses for administration of the Social Services departments, and the most significant dollar reduction of the six is the reduction in House Bill 599 funds, which are law enforcement funds, with smaller items totaling approximately \$82,000.00 - \$86,000.00 that were not specifically directed to individual activities that the City, as an organization, will absorb. She stated that in accepting these reductions, the City of Roanoke is taking the position that if the Governor, in his wisdom, thought these were good areas for reductions, the City should stand aside and allow the reductions to occur and not try to identify reductions in other activities in order to accommodate the reductions.

Vice-Mayor Harris expressed reservations about the reduction in House Bill 599 funds which will affect the Police Department. He stated that he will support the motion offered by Mr. Bestpitch because the spirit of the motion is to communicate to Roanoke’s citizens that the reason these reductions are occurring is because the State is making reductions in services, which is the right message at the right time to communicate to the citizens of the City of Roanoke, but he would like for the record to reflect that he does not support any cuts in law enforcement funding and he will re-enforce his position during 2003-04 budget discussions.

Council Member Dowe requested that the record reflect that no Member of Council is comfortable with any of the budget cuts, and the position taken by Council is intended to educate the citizens of Roanoke on the severity of the funding crisis.

Council Member Wyatt expressed frustration that budget cuts equal a reduction in services, and it should be abundantly clear that when revenues are cut, services to citizens will be cut. She stated that it is not the goal of Council to cut services, because services have been streamlined in every possible area in an effort to prevent service reduction. She advised that citizens should call their legislators because they created the cuts, City Council has held the bar in the City of Roanoke for as long as it can and made up for the State's deficits for as long as it can, and citizens need to understand that it is not the City of Roanoke cutting the services that citizens want and need.

The motion was unanimously adopted.

TRAFFIC-CITY COUNCIL-DISABLED PERSONS: Council Member Bestpitch suggested that four parking spaces designated for City Council parking in the Second Street parking lot be made available for handicapped and disabled parking, on a temporary basis, during the time that the Noel C. Taylor Municipal Building roof replacement project is underway.

TAXES: Council Member Bestpitch referred to a communication from the Honorable Clifford R. Weckstein, Judge, Twenty-Third Judicial Circuit of Virginia, transmitting the 2002 Report of the Board of Equalization dated October 29, 2002, with regard to terms of office of the Board of Equalization; whereupon, he requested that the matter be referred to the City Attorney for report to Council. (See Consent Agenda Item C-3.)

ROANOKE CIVIC CENTER-SPORTS ACTIVITIES: Council Member Dowe encouraged citizens of the Roanoke Valley to support the NBA and the Roanoke Dazzle basketball team.

ROANOKE CIVIC CENTER-SPORTS ACTIVITIES: Council Member Wyatt encouraged citizens of the Roanoke Valley to support the Roanoke Express hockey team.

VIRGINIA MUNICIPAL LEAGUE: Council Member Carder advised that the City of Roanoke will host the Virginia Municipal League Annual Conference in 2003. He reviewed a power point presentation which was made to the VML delegation in October 2002 when the City extended its invitation that outlines the accomplishments of the City of Roanoke:

Parenting named Roanoke one of the ten best places in America to raise a family.

The University of Kentucky ranked Roanoke's quality of life among the top 20 in the nation.

Money ranked Roanoke as the third best small southern city in which to live.

Roanoke was rated as one of the top ten healthiest places in the nation by Kiplinger's Personal Finance.

ZPG, Inc., cited Roanoke as one of the ten least stressful areas in the nation.

Retirement Places Rated ranked Roanoke as the second best metro area in the country in which to retire.

Money magazine called Roanoke one of the top eight places in America in which to retire.

Roanoke is a diverse garden, blooming with residents from more than 73 countries, who speak more than 28 languages.

Roanoke's Sister Cities include: Florianopolis, Brazil; Kisumu, Kenya; Lijiang, China; Opole, Poland; Pskov, Russia; St. Lo, France; and Wonju, Korea.

The U. S. Department of Education has recognized the Roanoke City Public Schools as among the nation's best.

Roanoke is the only City in the nation to operate nationally accredited Sheriff, Police, and Fire-EMS Services.

Inc. called Roanoke one of the top 100 hot spots for business development.

Sales and Marketing Management ranked Roanoke as the tenth hottest business development area in America.

Expansion Management included Roanoke in its 50 hottest cities for business relocation and expansion of manufacturing.

The Government Finance Officers Association cited Roanoke for “excellence in financial reporting” and “distinguished budget presentation.”

The Center for Digital Government named Roanoke the top digital City in America.

Roanoke Citizen is recognized as among the best citizen publications in America.

The Virginia Economic Development Partnership ranked Roanoke 14th in the nation for telecom equipment and service jobs in emerging firms.

Roanoke’s investment in its downtown over the last decade has topped \$500,000,000.00.

Urban Initiatives included the Roanoke City Farmers Market as one of its 63 “America’s Great Public Places.”

The International Downtown Association cited Center in the Square as the top downtown economic development project in the world.

Old Dominion University cited Roanoke as first in Virginia and 11th in the nation in real per capita personal income.

The National Association of Home Builders called Roanoke the most affordable housing market in Virginia.

Roanoke and Cleveland are the only communities in America to win the prestigious All-America City award five times (1952, 1979, 1982, 1988 and 1996).

ROANOKE CIVIC CENTER-NEWSPAPERS: The Mayor referred to a recent newspaper article quoting his remarks which might have been perceived as anti-NBDL, in which he criticized certain issues regarding the Roanoke Civic Center. He stated that he previously expressed concern regarding expenditures for new office space and locker rooms for the NBDL, which are quite possibly better than locker rooms provided for students in Roanoke's public school system. He advised that he would like to apologize to the NBDL for any remarks that might have been perceived as a criticism, and advised that he has been supportive of the NBDL which is a part of the City of Roanoke. He stated that Council and the City administration will do all they can to help the NBDL fill civic center seats which are so vital to the success of the basketball team, but the City looks to the NBDL to lead the way to fill the seats and to honor its pledge to bring a certain number of events to the Roanoke Civic Center. He advised that he looks to the NBDL with the expectation that it will fulfill its contract with the City of Roanoke in the future.

AIRPORT: The Mayor called attention to a recent announcement by U. S. Air and Colgan Airlines, Inc., in connection with a \$175.00 round trip fare from Roanoke to New York.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, report and recommendation to Council.

COMPLAINTS-HOUSING/AUTHORITY-CITY EMPLOYEES-DOWNTOWN ROANOKE, INCORPORATED: Mr. Robert Gravely, 617 Hanover Avenue, N. W., expressed concern that housing standards in the City of Roanoke are set so high that the average citizen cannot afford to purchase a house; the low pay scale for City employees; inadequate living conditions for elderly persons on a fixed income; and the high quality of infrastructure improvements in downtown Roanoke, while the remainder of the City's infrastructure is in poor condition.

TAXES: Glenn Bowe, representing Layman Candy Co., requested that Council consider reinstatement of the dealer's discount on the cigarette tax.

COMPLAINTS-CITY GOVERNMENTS-CITY EMPLOYEES: Ms. Angela Norman, 1731 Michael Street, N. W., advised that as a citizen and a taxpayer, she requests a higher level of accountability with regard to the expenditures of tax dollars by the City administration. She stated that based on findings by the Municipal Auditor, numerous improper payroll payments and public expenditures have occurred in

violation of City and State laws; i.e.: employees in the City's payroll department improperly received \$28,500.00, with the approval of the Director of Finance, the City Manager and the Director of Human Resources; \$1,303.00 was paid for catering for a retirement party for a retirement administrator, which was a clear violation of a City Administrative Procedure; procurement of certain services by Civic Center management that were not in compliance with local or state laws; written bid requests were not advertised or posted for public notice; a written contract was not prepared and a questionable vendor was paid \$178,727.00; and payments of \$480,000.00 were authorized which exceeded the \$75,000.00 threshold requiring City Council's approval. She advised that the Director of the Roanoke Civic Center could not and did not single handedly obtain and process these illegal and improper transactions; and all of the above actions have quickly been swept under the rug that keeps piling internal corruption higher and higher, with more exposure forthcoming; therefore, she requested a full blown investigation by the FBI. She expressed concern that the least amount of information is being presented to the public and that the guilty participants are being protected and may still be employed by the City; and too much autonomy and power has been given with too little accountability. She stated that she has appeared before Council over the past five years to address concerns regarding discrimination, with proof, within City government, but it now appears that the wheels of discrimination are targeting the senior in age and the senior in service employees, which information has been addressed, through the proper chain of command, and with the City Manager. She advised that accountability is necessary for the City of Roanoke to continue to be the best place to live and to work, and suggested that Council revisit its hands off policy related to the day-to-day operation of the City administration, or more closely monitor internal expenditures.

POLICE DEPARTMENT-TRAFFIC-REFUSE COLLECTION-DISABLED PERSONS-PARKING FACILITIES: Mr. E. Duane Howard , 508 Walnut Avenue, S. W., commended Council Member Bestpitch on his suggestion to use four City Council parking spaces in the Second Street parking lot, on a temporary basis, for handicapped and disabled parking; however, he suggested that the arrangement be made permanent for better and more convenient parking accommodations for the handicapped and disabled.

Given today's difficult financial times, Mr. Howard suggested that the City give consideration to eliminating the program of loose leaf collection and require citizens to bag leaves for City pick up.

He expressed concern with regard to any decrease in the budget of the Police Department, and suggested that the horse mounted patrol unit be eliminated and that those officers be assigned to bicycle safety patrol.

CITY MANAGER COMMENTS: NONE.

At 4:25 p.m., the Mayor declared the meeting in recess for one Closed Session.

The Council meeting reconvened at 4:50 p.m., with all Members of the Council in attendance, Mayor Smith presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

There being no further business, at 4:55 p.m., the Mayor declared the meeting in recess to be reconvened on Thursday, November 7, 2002, at 8:30 a.m., for a tour of the Roanoke Regional Firing Range Shoot House, located at Interstate 581 South, Exit 132, off Twine Hollow Road.

The City Council meeting reconvened on Thursday, November 7, 2002, at 8:30 a.m., for a tour of the Roanoke Regional Firing Range Shoot House.

PRESENT: Council Members M. Rupert Cutler, Linda F. Wyatt and Mayor Ralph K. Smith-----3.

ABSENT: Council Members William D. Bestpitch, William H. Carder, Alfred T. Dowe, Jr., and C. Nelson Harris-----4.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; and Mary F. Parker, City Clerk.

Also in attendance were members of the Roanoke County Board of Supervisors and Roanoke County administrative officials.

POLICE DEPARTMENT: Following breakfast and a tour of the Roanoke Regional Firing Range Shoot House, the Mayor declared the City Council meeting adjourned at 10:55 a.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

/ Ralph K. Smith
Mayor
